

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Declaration of Joshua Jacobs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

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DECLARATION OF JOSHUA JACOBS

I, Joshua Jacobs, hereby declare as follows:

1. I am an Associate Professor in the Department of Biomedical Engineering at Columbia University. I have been a member of the Columbia faculty since 2015.
2. I have B.S. and M.Eng. degrees in computer science from the Massachusetts Institute of Technology, as well as a Ph.D. in neuroscience from the University of Pennsylvania.
3. I am a member of the American Association of University Professors (AAUP).
4. I have personal knowledge of the facts set forth in this declaration and, if called as a witness in this action, I could and would testify competently to these facts.
5. My research focuses on understanding the neural basis of memory and spatial navigation. This work is important not only to explain how humans navigate, but also to elucidate how the brain supports various types of memory and to develop treatments for disorders such as Alzheimer's Disease.

6. Most of my research is based on direct human brain recordings, which allow us to identify neural patterns that reveal how the brain represents memories. Direct human brain recordings, however, are hard to obtain; they can only be captured after a neurosurgeon surgically implants electrodes in a subject's brain.

7. One of my major current projects seeks to develop and test new ways to measure the relationship between the human brain and behavior. This project is funded by an R61/R33 grant from the National Institute of Mental Health, a component of the National Institutes of Health (NIH). The initial Notice of Award was issued December 28, 2023, after a competitive application process. I am one of the principal investigators on the grant.

8. The project funded by this grant has two phases. In the R61 phase, it seeks to develop a state-of-the-art platform called CAMERA (Context-Aware Multimodal Ecological Research and Assessment). This platform will be capable of recording and combining signals from a range of data sources (such as human neural recordings, audiovisual recordings and wearable sensors) in order to predict a person's level of anxiety and memory state. This will provide novel biomarkers of anxiety and memory state, which can guide therapeutic brain stimulation. Our project will also provide a generalized platform for researchers studying the physiology of many types of complex human states and behaviors. The R61 phase of the project is intended to last three years.

9. If the R61 phase is successful—*i.e.*, if we can demonstrate that CAMERA can successfully combine these signals to predict a subject's emotional or memory state—then we will receive funding to proceed to the R33 phase of the project.

10. In the R33 phase, we will test whether we can use CAMERA to more accurately identify and modulate anxiety and memory performance in individual subjects. In other words, we will be able to use the platform we have developed to predict whether individuals are experiencing memory dysfunction or anxiety episodes, and if so, we will be able to apply brain stimulation to help treat those individuals. The R33 phase of the grant is intended to last two years.

11. If we do not succeed in the R61 phase, we will not receive funding to proceed to the R33 phase.

12. The grant awards Columbia approximately \$700,000 in direct costs per year (approximately \$1 million total per year).

13. This is an interdisciplinary research project involving a collaboration between biomedical engineers, a neurosurgeon, machine learning engineers, a neurologist, psychiatrists, and a neuroethicist. In total, the grant provides either full or partial salary support for approximately 15 individuals working on the project. Several of those individuals work at subaward institutions: the University of Minnesota, which is focused on the brain stimulation piece of the research project, and Rutgers University, which is focused on the machine learning aspect.

14. For multi-year grants like this one, NIH issues a separate Notice of Award for each year of the grant. Near the end of each grant year, researchers are typically required to submit a Research Performance Progress Report (RPPR) updating the agency on the project. NIH then issues a Notice of Award for the following year, accompanied by a new cycle of funding.

15. The Year 1 Notice of Award we received from NIH provided funding for the period from January 1, 2024 until December 31, 2024. We submitted our RPPR for this project in December 2024. Typically, based on my and my colleagues' experience with other NIH grants, I would have expected to receive the Year 2 Notice of Award in December 2024 or January 2025. However, I still have not received the Year 2 Notice of Award.

16. Until recently, based on communications from the NIH, it appeared that the delay in issuing the Notice of Award was caused by routine administrative issues. Between January 2025 and April 2025, NIH requested multiple updates to the RPPR and additional administrative documentation. I submitted several rounds of updated paperwork at NIH's request, most recently on April 15, 2025. On April 17, 2025, the NIH Grants Management Specialist sent an email acknowledging receipt of all requested documentation.

17. I have not heard any additional information from NIH since April 23, 2025. I have repeatedly reached out to my program officer at NIH to discuss the status of the grant and have requested multiple phone calls, but I have not gotten any response.

18. I have not received a termination notice or a stop-work order on this project from NIH.

19. I have never received any indication from NIH that the agency had concerns about our progress or the overall performance of the project. On the contrary, we received positive feedback on this project from a presentation at the 2024 annual BRAIN Initiative Meeting in June 2024. An NIH program official subsequently requested figures from our presentation to include in a progress update for NIH Institute/Center (IC) directors regarding the Brain Behavior Quantification and Synchronization (BBQS) program, which our project is part of. Program officials also conveyed enthusiasm among NIH officials for BBQS projects at a BBQS Consortium Principal Investigators Meetings on March 17, 2025. Further, I have been invited to an annual meeting with NIH staff on July 15, 2025 to discuss our research.

20. Our research project does not relate to diversity, equity, and inclusion (DEI) or other topics that NIH now appears to consider controversial.

21. Around April 18, 2025, I learned from social media posts by Max Kozlov, a science journalist at *Nature*, that NIH had been instructed to stop issuing awards to Columbia. Kozlov posted an April 17, 2025 email from Michelle G. Bulls, the Director of the NIH Office of Policy for Extramural Research Administration, who stated: “We have received confirmation from HHS/IOS to hold off on making awards to schools where the funds have been frozen, i.e., Columbia, Brown, Northwestern, Cornell, Weill-Cornell, Harvard. Also, HHS/IOS has stated that we should not provide any communications to these schools about whether or why the funds are frozen.”¹

¹ <https://bsky.app/profile/maxkozlov.bsky.social/post/3ln4h6i5tes2f>

22. These posts followed an April 9, 2025 article in *Science* that first reported on NIH's funding freeze. The article characterized an April 8, 2025 email from Bulls as stating that "no NIH awards can be made to Columbia until the restriction is lifted."²

23. I believe that NIH has not issued the Year 2 Notice of Award for my R61/R33 grant because of the funding freeze described in the April 8, 2025 email and confirmed in the April 17, 2025 email. I further believe that NIH has stopped communicating with me about the status of the award because of the directive relayed in the April 17, 2025 email.

24. In response to an email I sent on April 23, 2025 to the overseeing NIH Program Officer and Grants Management Specialist inquiring about the status of the grant, she did not identify any outstanding concerns and only stated that "We are awaiting guidance."

25. I am not aware of any NIH grants issued to Columbia after April 17, 2025.

26. The delay in receiving this year's Notice of Award could have catastrophic long-term consequences for this research project. As a clinical trial, a disruption in funding would lead to disruption in enrollment and follow up of human subjects. A disruption in the project would also risk nullifying the data from the first 19 subjects enrolled in the project, which would be a waste of the time and investment on the part of human subjects, researchers, and federal research funding. As explained, our ability to advance our project to the R33 phase—the phase that would allow us to apply the CAMERA system for the benefit of human patients—depends on our ability to successfully develop the system in the R61 phase. We only have three years to complete the R61 phase. A gap in funding would set back our progress significantly and could jeopardize our ability to move to the next phase because we would be likely to lose staff who are knowledgeable about the project.

27. Before April, I received permission from Columbia to continue spending on the project even though this year's Notice of Award was delayed. That authorization was based on

² https://www.science.org/content/article/nih-freezes-all-research-grants-columbia-university?utm_campaign=Science&utm_source=Bluesky&utm_medium=ownedSocial

the assumption that the Notice of Award would be issued shortly and the new cycle of funding could be applied retroactively to cover any spending incurred in 2025.

28. Since reports of the NIH funding freeze emerged, however, I have been told by Columbia that “caution should be exercised in spending.” Our external partners at the subaward institutions have not received any payment for their work since January, and Rutgers has indicated their graduate students may not be able to continue working on the project. That would further compromise our ability to reach the R33 phase, given the expertise those individuals have developed this year.

29. I have repeatedly raised concerns to administrators at Columbia about the delay in issuing the Notice of Award. On April 23, 2025, an individual in Columbia’s Sponsored Projects Administration (SPA, the office that manages the university’s grants) confirmed in an email that they “have seen a definite sharp decline in receipt of new and non-competing continuation NIH [notices of award] in SPA.”

30. On April 25, 2025, I was forwarded an email sent by Columbia’s Dean of Science that described situations like mine and asked faculty for help compiling additional information. The message states: “I’m writing about an emerging issue with NIH grants that I’ll need timely help with from those of you with NIH grants in your departments. This regards non-cancelled, still-active NIH grants. PIs have been submitting their annual non-competing renewal progress reports, and NIH Program Officers have been reviewing and approving them. However, NIH has not been extending the end dates or issuing notices of awards (NOAs) for these grants, and there is no indication that end dates will be extended or NOAs issued on any reasonable timescale. Thus, these grants are effectively cancelled.”

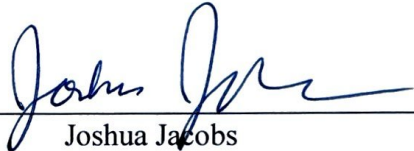
31. I am greatly concerned that NIH has effectively terminated our research project without notice and does not plan to issue additional funding. The cancellation of this project would be a profoundly disappointing loss to the field, given the innovative technology we are working to develop, its potential to improve fundamental understanding of brain–behavior relationships, develop novel diagnostic and therapeutic interventions for anxiety and memory

disorders, and other potential applications as an accessible platform for studying complex human internal states, behavior, and cognition in real-world environments.

32. I understand the government claims to have terminated other research grants to Columbia because of antisemitism on campus. Terminating my project on that basis would make no sense. I am Jewish, as are two of my co-principal investigators. Ending this project will directly harm all of us, as well as the patients who could benefit from the research, and will do nothing to prevent antisemitism or protect Jewish students on campus.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of May 2025.


Joshua Jacobs